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May 9, 2014

USDA Forest Service
Northern Region
ATTN: Objection Reviewing Officer
P.O. Box 7669
Missoula, MT 59807

Subject: Objection to Big Game Security Forest Plan Amendment for Blackfoot Non-winter Travel Planning

Objection Reviewing Officer:

The Helena Hunters and Anglers Association (“HHAA”) and Clancy-Unionville Citizens Task Force (CUCTF) submit these Objections in response to the Draft Record of Decision and Final Environmental Impact Statement for the Big Game Security Forest Plan Amendment for Blackfoot Non-Winter Travel Planning.

HHAA and CUCTF’s members live, work, and recreate on the Helena National Forest (HNF) and several of the organization’s members are intimately familiar with the Blackfoot Travel Planning Area in particular. HHAA and CUCTF’s membership is made up of professionally trained natural resource managers. They are now or have previously worked in the fields of fish, wildlife, forestry, recreation management, water quality, and environmental assessment.

We wish to submit for the public record that few things matter to us more than the conscientious stewardship of our public land natural resources – here at the doorstep of our home along the flanks of the Continental Divide. Few agencies have more history or meaning to us than the U.S. Forest Service with its colorful and courageous genesis out of the corporate exploitive era of the late 1890s and early 1900s. The Helena National Forest was put into the national forest system by Theodore Roosevelt on April 12, 1906. The next year, Roosevelt’s “Midnight Forests” were added to the system – all public lands that he and his staff valiantly worked to define as National Forests, and to preserve wild places “for those yet unborn in the womb of time.” We are those unborn souls he was referring to, and we do not believe we have the right to drop the ball or retreat from the responsibility to be involved in the future of our public lands.

Participants in this objection include:

Helena Hunters and Anglers Association
Lead Objector: Gayle Joslin, member of both HHAA and CUCTF
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Helena Hunters and Anglers Association is a nonprofit Helena, Montana based organization dedicated to protecting and restoring fish and wildlife to all suitable habitats and to conserving all natural resources as a public trust, vital to our general welfare. HHAA promotes the highest standards of ethical conduct and sportsmanship, and promotes outdoor recreation opportunity for all citizens to share equally. Members of HHAA depend on healthy, functional, intact public lands of the Helena National Forest because they sustain and nurture our way of life.

Clancy-Unionville Citizens Task Force

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The Clancy-Unionville Citizens' Task Force (CUCTF) is a non-member public benefit group (filed with the State of Montana) formed in 1997. CUCTF is concerned with land management issues on public lands south of Helena. CUCTF is composed of local residents who use the public lands near our homes for non-motorized recreation, hunting, hiking, wildlife viewing, and public educational programs. For the last 17 years CUCTF has actively engaged the Helena National Forest in productive discussion about travel planning for this area. A Record of Decision for the Clancy-Unionville area was signed in February 2003, and since that time CUCTF has been vigorously involved in trying to get it fully implemented. CUCTF is commenting on the proposed Forest Plan amendment 4a for the Blackfoot Travel Plan because we believe it will set a precedent for the upcoming Divide Travel Planning area that includes the Clancy-Unionville travel planning area.

With this submission, HHAA and CUCTF are now formally objecting to several aspects of the draft ROD and proposed Alternative B in the FEIS. The issues raised in this objection were either addressed in HHAA and CUCTF's comments on the DEIS or are based on "new information" contained in the draft ROD and FEIS. Attachments are submitted on a CD and sent via U.S. Postal Service. The following discussion itemizes HHAA/CUCTFs' objections, their rationale, and describes proposed remedies.

Thank you for this opportunity to participate in the Objection process. We firmly believe that,

"...Westerners who live in the neighborhood of the forest preserves are the men who in the last resort will determine whether or not these preserves are to be permanent."

~~ Theodore Roosevelt ~~

/s/ Gayle Joslin

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/s/ Kathy Lloyd

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Objections to the Blackfoot Big Game Security Amendment B:

1. **NEPA and NFMA noncompliance: Purpose and Need disguises the motivation behind an amended big game security standard.**
2. **Big game security amendment, as described by Alternative B, was not provided to the public for review in the DEIS.**
3. **“Best available science” as required by NEPA and NFMA was not used in development of the security amendment. Hiding cover is a crucial component of elk security, particularly for bull elk. Big game security Amendment B is based on inappropriate and unvalidated theory.**
4. **Existing summer range hiding cover standard is not clearly following the Forest Plan.**
5. **Inappropriate linkage of the security amendment to the Travel Plan.**
6. **Draft ROD for the Blackfoot Travel Plan selects Alternative 4, however Alternative 3 was the foundation for development of security amendment Alternative B.**
7. **The indirect and cumulative impacts of Amendment Alternative B have not been fully assessed in relation to other Forest Plan standards, or upon public lands not included in described “security areas.”**
8. **Cumulative Forest Service actions have lead to a tipping point for big game security across much of the Helena National Forest.**
9. **The FEIS continues to misuse the State of Montana’s Elk Plan in its use of population data rather than bull elk survival to reflect elk security.**
10. **Big game security amendment Alternative B for the Blackfoot jeopardizes Montana’s 5-week general hunting season for the Blackfoot.**
11. **The HNF would inappropriately apply Forest Plan security amendment Alternative B to a limited area of the Forest (Blackfoot), so that it would have a different standard than the rest of the Forest.**
12. **Blackfoot is inappropriately setting a standard for security areas that are limited to defined areas of the National Forest and do not require forest cover as a component.**
13. **Inadequate and unfunded maintenance, monitoring and enforcement of roads/trails and motorized travel as allowed under the Blackfoot Travel Plan, virtually assures that any standard for big game security will not function properly.**

We support:

- **Travel Plan Alternative 3 with options to expeditiously improve big game security.**
- **9/1–12/1 closure dates to accommodate security during the big game hunting season.**

OBJECTION 1. NEPA and NFMA noncompliance: Purpose and Need disguises the motivation behind an amended big game security standard.

“This programmatic plan amendment was not clearly stated in the original Notice of Intent or in the November 2010 newsletter describing the proposed action.” (FEIS-48)

Then, the stated Purpose and Need in the FEIS does not honestly explain that the HNF has altered the landscape through impacts from previous cumulative decisions during which they have ignored Forest Plan standard 4a (among other standards) to such a degree that they are compelled to now redesign the standard in order to meet a new, lower standard.

The existing big game security standard has been an inconvenient obstacle to a variety of HNF actions. For the travel planning process, efforts to amend it have been challenging, because it represents an inconvenient truth that the HNF has over-harvested its forests and over-roaded its lands.

The stated Purpose and Need to amend the big game security standard is:

“More closely align current science, local conditions, and other information with elk security needs during the hunting season that meet the intent of the Forest Plan; ensure Helena Forest Plan (USDA 1986) management direction applicable to big game security is up-to-date and based on the best available information.” (FEIS Appx F, pg 151)

It goes on to state,

“Public access is being constrained without the clear benefits for elk envisioned by the standards.” (FEIS Appx F, pg 152)

Purpose and need (40 CFR 1500.1(b)) – the HNF contends it needs more management latitude, but the amendment does not assure it will benefit big game. “High quality” and “accurate scientific analysis essential to implementing NEPA” has not been displayed.

A Forest Plan standard is designed to be just that: a standard for the Forest. In the case of the big game security standard, the proposed Forest Plan Standard Amendment is subservient to the Blackfoot Travel Planning Area. This backwards-linked action does not disclose the influence that the Travel Plan decision will have on the big game security amendment for the Blackfoot.

1a. Suggested remedy: The purpose and need for amending the Forest Plan standard for big game security should be to define a method to bring the forest into compliance with the existing security standard 4a over time, using a scheduled, modified approach that has restoration goals for forest plan cover and road densities. In the meantime, develop a comprehensive Eastside Forest-based process that applies proper scientific method and peer-reviewed scientific literature to development of a big game security amendment that addresses the needs of bull elk security on public lands.

OBJECTION 2. Big game security amendment, as described by Alternative B, was not provided to the public for review in the DEIS. This is a violation of NEPA and NFMA.

Helena Forest Plan IV/2 states,

“Within this guidance, projects are developed to most efficiently and effectively accomplish the management goals and objectives. All NEPA requirements will be complied with in all projects. This includes appropriate public participation in the development and the results of the analysis done on the projects.” (emphasis added)

This project is first described in the Blackfoot Travel Plan Final Environmental Impact Statement (FEIS) which was released for public review on March 25, 2014 (Federal Register dated March 14, 2014).

Big Game Security Standard Amendment, Alternative B as now described, is presented for the first time in the Final EIS but was not previously provided in the Draft EIS, so there was no opportunity for public comment/scoping on this new and very different proposed Big Game Standard Amendment. The FEIS admits that:

“The preferred big game security amendment described in this document as Preferred Forest Plan Amendment Alternative B is not exactly the same as the initial big game security amendment that was described in the DEIS, although they are similar.” (48)

FEIS Alternative B is substantially different from the DEIS proposed amendment. Therefore, we strenuously disagree that the amendments are similar and point to the fact that Alternative B

- completely removes *any* requirement for hiding cover within security areas, while the DEIS provided for hiding cover, and
- undertook an entirely new mapping project that circumscribed “security areas” on maps within which roads will occur and administrative uses would be allowed during the hunting season, while the DEIS described different areas based on different criteria and did not allow uses during the hunting season.

2a. Suggested remedy: Follow established protocol for scoping and comment prior to issuing a ROD on big game security Forest Plan amendment for the Blackfoot Travel Planning Area.

OBJECTION 3. “Best Available Science” as required by NEPA and NFMA was not used in development of the security amendment. Hiding cover is a crucial component of elk security, particularly for bull elk. Big game security Amendment B is based on inappropriate and unvalidated theory.

Pursuant to NEPA, information included in NEPA documents “must be of high quality” and “accurate scientific analysis [is] essential to implementing NEPA.” 40 C.F.R. § 1500.1(b). While an FEIS may not be expected to reference or rely on every study or opinion, the state of scientific knowledge on a particular subject must be fairly represented in a balanced manner. Moreover, an FEIS must contain a reasoned analysis in response to conflicting data or opinions on environmental issues. The Forest Service’s decision to replace Standard #4a with an untested, hypothetical method is not based on the best available science regarding big game management.

More detailed evaluation is provided here than would normally be included in an Objection, because Alternative B was not previously provided for public comment.

Best Available Science is not being applied - Hiding cover is a crucial component of elk security, particularly for bull elk.

The proposed amendment inappropriately removes all cover requirements for hunting season security – cover that is critically important on the open, topographically gentle “east-side” Helena Forest – an action that the scientific literature clearly does not support.^{1, 2, 3, 4, 5} While much of the literature focuses on road densities, none of the literature indicates that hiding cover is unimportant for bull elk survival. With respect to the hunting season and the need for hiding cover, abundant literature indicates: “elk that survived, decreased movements and showed avoidance of open areas.”⁶

The Blackfoot Amendment B map shows deceptively impressive polygons of “security” that are claimed to be “best available science” but are office-based theories that have not been field tested, or evaluated against accepted literature on the subject of bull elk vulnerability.

The terms, “Best available Science” and “current science” are used with respect to wildlife, thirty-two times within the FEIS. But the “science” used to define big game security in amendment Alternative B is entirely hypotheses that have not been field tested, independently peer reviewed, or published in accepted scientific journals, which is generally the standard measure of “Best Available Science.” On the other hand, many scientific articles clearly express the importance of forested cover in conjunction with road management.

- The basis for security amendment Alternative B is a paper by Proffitt et al., 2013⁷ that states:
 “The traditional concept of elk security habitat is aimed at providing adequate adult male elk survival while not limiting elk hunter opportunity⁸ (e.g., Leptich and Zager 1991). Given different behavioral patterns of male and female elk, male elk may utilize security habitat to a greater degree than reported here for adult female elk. Previous studies indicate that during the autumn, male elk use mature, semi-closed, forested areas more than females and selected for areas of lower road densities than females⁹ (McCorquodale 2003). Therefore, we may expect male elk to show a stronger preference for security habitat than we observed in female elk. The security habitat

¹ **Lyon, L. J., T. N. Lonner, J. P. Weigand, C. L. Marcum, W. D. Edge, J. D. Jones, D. W. McCleery, and L. L. Hicks.** 1985. Coordinating elk and timber management: Final report of the Montana cooperative elk-logging study, 1970-1985. Montana Fish, Wildlife, and Parks. Bozeman, MT. 53 pp.

² **Lyon, L. J., and J. E. Canfield.** 1991. Habitat selection by Rocky Mountain elk under hunting season stress. Pages 99–105 in A. G. Christensen, L. J. Lyon, and T. N. Lonner, editors. Proceedings of the Elk Vulnerability Symposium. Montana State University, Bozeman, Montana, USA.

³ **Unsworth, J. W., L. Kuck, M. D. Scott, and E. O. Garton.** 1993. Elk mortality in the Clearwater drainage of northcentral Idaho. Journal of Wildlife Management 57:495–502.

⁴ **Rowland, M. M., M. J. Wisdom, B. K. Johnson, and M. A. Penninger.** 2005. Effects of Roads on Elk: Implications for Management in Forested Ecosystems. Pages 42-52 in Wisdom, M. J., technical editor, The Starkey Project: a synthesis of long-term studies of elk and mule deer. Reprinted from the 2004 Transactions of the North American Wildlife and Natural Resources Conference, Alliance Communications Group, Lawrence, Kansas, USA.

⁵ **Christensen, A. G., L. J. Lyon, and J. W. Unsworth.** 1993. Elk management in the northern region: considerations in forest plan updates or revisions. US Forest Service General Technical Report INT-303. 10 pp

⁶ **Ciuti, Simone, Tyler B. Muhly, Dale G. Paton, Allan D. McDevitt, Marco Musiani and Mark S. Boyce.** 2012. Human selection of elk behavioural traits in a landscape of fear. Proc. R. Soc. B (2012)279, 4407–4416

⁷ **Proffitt, Kelly M., Justin A. Gude, Kenneth L. Hamlin, Matthew Adam Messer.** 2013. Effects of hunter access and habitat security on elk habitat selection in landscapes with a public and private land matrix. The Journal of Wildlife Management 77(3):514–524; 2013; DOI: 10.1002/jwmg.491.

⁸ **Leptich, D. J., and P. Zager.** 1991. Road access management effects on elk mortality and population dynamics. Proceedings of a Symposium on Elk Vulnerability, Bozeman, Montana, USA.

⁹ **McCorquodale, S.** 2003. Sex-specific movements and habitat use by elk in the Cascade range of Washington. Journal of Wildlife Management 67:729–741.

concept may therefore still apply to the issue for which it was developed.” (emphasis added)

- The published literature standard for elk security with respect to timber harvest has been: Coordinating Elk and Timber Management – Final Report of the Montana Cooperative Elk-Logging Study, 1970-1985¹⁰. The elk/Logging Guidelines state:

When addressing big game security at the local level, elk selection for wallows and licks, travel corridors and routes, forage sites, and forest stringers should also be considered. Lyon et al. (1985) point out that security and shelter appear to be the most basic habitat requirements for elk. “Productive elk habitat cannot be evaluated in separate parts.” During any season it is important that all recognized components of elk habitat be considered concurrently and be managed to meet desired outcomes.

Several Region 1 Forest Plans adopted the elk/logging guidelines (Ibid.) as the basis for standards for elk security.

Although the existing security standard, the DEIS, and the FEIS use different methodologies to represent big game security, the reality on the ground remains the same for wildlife security. All methodologies illustrate that big game security is lacking because there are too many roads, but only the FEIS Alternative B amendment ignores hiding cover.

Background relative to the following are drawn from tables taken from the Blackfoot DEIS (2013, Tables F3 and page 492) and the Blackfoot FEIS (2014, page 35 and Tables 58 and 82)

The following table compares the amount of HNF lands within each Elk Herd Unit (EHU) that do not provide big game security between Alternatives 1 (existing condition), 3 (best for wildlife and basis for amended security alternative B), and 4 (HNF selected alternative) [derived from DEIS Table F-3 and FEIS Table 58]. This table reveals both the percentage of each EHU within the HNF administrative boundary that is not secure, and the percent of the *entire* EHU that is not secure.

Nothing on the ground changes between the DEIS and the FEIS as attested by the acreage numbers in tables from the DEIS (Table F-3) and FEIS (Table 58). Yet if portions of the EHUs occurring outside the Forest administrative boundary are dropped, the FEIS Table (35) indicates that security increases. Manipulation of methodology makes it seem that using a new amended standard is better for elk, when in fact it is not.

Hiding cover is one leg of the existing Forest Plan big game standard for security (4a). The other leg is road density which, through travel planning can be adjusted.

Serious road density and hiding cover issues would be masked if Alternative B is adopted. There is no way to consider the possible extent of the impact since a cover analysis has not been done for Alternative B, in violation of Forest-wide big game standard 2 (FEIS Appx F-186).

INSECURE ELK HABITAT

¹⁰ Lyon, L. Jack, et al. 1985. *Op. cit.*

2014 EXISTING CONDITION**(Nothing on the ground is different – but the numbers change with the method used)**

Herd Unit	Existing Condition Percent of <i>entire</i> EHU not secure Existing Forest Plan Standard 4a	Existing Condition Alt1 Percent of EHU within Administrative Boundary not occurring in a security polygon (Alt B)	Alternative 3 Percent of EHU within Administrative Boundary not occurring in a security polygon (Alt B)	Alternative 4 Percent of EHU within Administrative Boundary not occurring in a security polygon (Alt B)
Arrastra	68%	43%	43	43
Beaver Creek	73%	59%	48	52
Flesher Pass	71%	73%	51	58
Keep Cool	73%	64%	40	48
Landers	30%	16%	16	16
Nevada	64%	56%	41	48
Ogden	81%	79%	59	76
Poorman	81%	88%	60	68

3a. Suggested remedy: Conduct a cover analysis as required in Forest Wide Big Game Standard

3b. Suggested remedy: Do not base a security amendment intended to retain bull elk on public land, on Proffitt et al.¹¹ which was designed to address antlerless elk harvest on private lands.

There are no provisions in the ROD to retain forested cover within “security” polygons, nor are there provisions to retain forested cover outside of those polygons. At the same time, neither the amendment ROD nor the Travel Plan ROD indicate that road densities will not increase. The ROD notes that the existing standard “placed unnecessary and impractical constraints on travel management” (Draft ROD – Big Game Security Forest Plan Amendment for the Blackfoot Travel Planning Area, pg 13).

A belief system that accuses a forest plan standard of “placing unnecessary and impractical constraints on travel management” does not bode well for wildlife. It becomes clear that those areas external to “security” polygons (at least 33% of the HNF) will become particularly inhospitable zones for big game and most other wildlife.

Mitigation measures

Mitigation measures appear to be optional where activities, projects, and/or road-use is allowed: “Temporary reductions associated with management activities in security blocks between 9/1 and 12/1 are allowed as long as impacts to elk or elk security are mitigated at the project level. Temporary reductions will be evaluated and effects analyzed (including cumulative effects) at the project level and reviewed by a journey level wildlife biologist. It is at this scale and time when project design features and/or mitigations would be applied to ensure that impacts to elk or elk security during hunting season are addressed and reduced over the implementation timeline of the project. Temporary reductions are managed at the project scale and at the herd unit (or across herd units where security blocks cross into one or more herd units) to ensure big game security during the 9/1 – 12/1 hunting season is maintained or improved over the long term.”

¹¹ Proffitt et al. 2013. *Op. cit.*.

What constitutes “project level” and so what if “temporary reductions [in security] are evaluated and effects analyzed by a wildlife biologist”? How long is temporary? There are no provisions to ensure that EHUs that are above the *minimum* 50% security level would remain at their current level above 50%.

3c. Suggested remedy: *Draft ROD - Big Game Security Forest Plan Amendment for the Blackfoot Travel Planning Area* mitigation measures should be *non-discretionary*. Restoration measures should be developed as part of the FEIS to bring those EHUs lacking in security up to at least a minimum standard, and those above the 50% standard should not be allowed to decline.

3d. Suggested Remedy: Hiding cover must be a part of any public land security standard. We recommend a restoration strategy (through vegetation cover retention and forest restocking) to move toward existing Forest Plan Standard 4a by retooling Alternative B to address hiding cover.

OBJECTION 4. Existing summer range hiding cover standard is not clearly following the Forest Plan.

Summer hiding cover as it relates to big game security

Forest Plan Standard 3 requires that 35% of an EHU serve as summer hiding cover although the FEIS-348 refers to a 50% requirement – but does not explain where the 50% for Standard 3 derives from. The FEIS does not reveal the implications to summer hiding cover when:

- Forest Plan Security Standard 4a is replaced with Alternative B – that has *no* cover requirement, and
- The 35% Summer Hiding Cover Standard (throughout an EHU) has become 50% hiding cover, presumably within the HNF administrative boundary only.

The FEIS uses a 50% summer hiding cover criterion (FEIS: S-15, 64, 348) presumably because they address lands within the administrative boundary, while the existing Forest Plan Big Game Standard 3 is 35% of the entire EHU (HNF Forest Plan II/17). This transition from 50% summer hiding cover appears to be a Forest Plan standard alteration that has not been subject to NEPA compliance.

Objection Table 1 reveals that transitioning from 35% summer hiding cover across the entire EHU, to 50% summer hiding cover within the administrative boundary of an EHU could lead to a net loss in hiding cover of up to 13,793 acres, or 21.5 square miles.

Objection Table 1.

Percentage of Elk Security within that Portion of an Elk Herd Unit within the Lincoln Ranger District Administrative Boundary by Travel Plan Alternative (Blackfoot FEIS March 2014. pg 35)						
Herd Unit	35% Hiding Cover Acres required under existing Forest Plan Standard 3	50% Hiding cover required under Blackfoot FEIS	Net Loss in Hiding Cover Acres	Acres in Entire EHU (FEIS Table 58) (but not necessarily within the Project Area)	Acres in Portion of EHU in HNF Admin Boundary (FEIS Table 82) (but not necessarily within the Project Area)	Percentage of EHU represented within HNF Admin Boundary (but not necessarily within the Project Area)
Arrastra	9,708	7,818	1,890	27,738	15,635	56
Beaver Creek	11,342	9,993	1,349	32,406	19,987	62
Flesher Pass	31,886	29,058	2,828	91,093	58,117	64
Keep Cool	15,514	15,239	275	44,325	30,478	69
Landers	47,781	54,541	[6,760]	136,516	109,083	80
Nevada	13,588	13,549	39	38,824	27,098	70
Ogden	19,709	14,072	5,637	56,310	28,144	50
Poorman	23,598	21,823	1,775	67,425	43,646	65
TOTAL			13,793	494,637	332,188	67

(Note: The Flesher Pass and Poorman EHUs have gained security since the DEIS came out one year ago)

Internal manipulation of standards is extremely difficult for the public to interpret. The transition from 35% summer hiding cover across the entire EHU to 50% summer hiding cover (only within the administrative boundary) in an EHU would lead to a huge net loss in hiding cover of up to 21.55 square miles. Such a change would allow for substantial vegetation reductions on the landscape such as timber sales.

Even though the FEIS states that only three EHUs are meeting Forest Plan Standard 3 for summer hiding cover, net hiding cover acreage could be reduced if the 50% hiding cover standard changed from 35% and was adopted with this decision.

The Summer Hiding Cover Standard has also been the victim of ignored cumulative impact through FS-related FONSI, ROD, and other decisions over the 28-year life of the current Forest Plan.

FEIS Table 58 does not document where the 50% standard for hiding cover has come from. It then states that five of the EHUs do not meet the hiding cover standard, when in fact all eight EHUs *do* meet the Forest Plan Standard 3 for hiding cover of 35% (HNF Forest Plan II/17).

4a. Suggested remedy: Explain where the 50% hiding cover standard came from in relation to the existing Forest Plan Standard 3 reference to 35%.

4b. Suggested remedy: Do not apply 50% security within the administrative boundary only.

OBJECTION 5. Inappropriate linkage of the security amendment to the Travel Plan.

Statements were made by HNF Supervisor Riordan on April 15, 2013 at the Helena National Forest Supervisor's office to HHAA and Backcountry Hunters and Anglers (BHA) members that neither the security amendment nor the travel plan would be adopted if *both* were not adopted.

Attention to both actions is necessary, yet each action is handled under different CFR regulations, so they should be addressed separately, with the Forest Plan amendment helping to guide Travel Planning.

5a. Suggested remedy: Disconnect the projects so that adoption (or rejection) of one action does not automatically result in adoption (or rejection) of the other.

5b. Suggested remedy: Devise a standard based on the landscape's habitat capability to produce forested cover, then develop a schedule to bring a large percentage of that forested cover back onto the landscape, and then manage the forest to be sustained above that level.

5c. Suggested remedy: Until above remedy 5b can be implemented with a schedule for restoration, move forward with the Blackfoot Travel Plan.

OBJECTION 6. Draft ROD for the Blackfoot Travel Plan selects Alternative 4, however Alternative 3 was the foundation for development of security amendment Alternative B.

HNF and MFWP and wildlife biologists fashioned big game security amendment Alternative B to provide for the security needs of elk with the understanding that Travel Plan Alternative 3 would be implemented. MFWP wildlife biologists acknowledged at a regularly scheduled club meeting of Helena Hunters and Anglers Association that they were advised by HNF personnel that the security amendment needed to be devised to accommodate the Blackfoot Travel Plan, and that they were working under the assumption that Travel Plan Alternative 3 would be the basis for security Amendment B (Jay Kolbe, MFWP wildlife biologist and Jenny Sika, MFWP wildlife biologist, November 3, 2013). HNF wildlife biologist also confirmed the developmental linkage between Travel Plan Alternative 3 with security Amendment B at a later regularly scheduled club meeting with HHAA (Denise Pengerth, HNF wildlife biologist, December 3, 2013). As a result, security amendment Alternative B was devised to meld with Travel Plan Alternative 3.

- When the HNF itself amends the Forest Plan security standard and sets the standard for each EHU at 50%, then the HNF must select the Alternative that best meets that standard. Alternative 3 was the foundation for development of amended security standard Alt B; the Service's preferred Alternative, Alt 4, as compared to Travel Plan Alternative 3 – would decrease security in six of the EHUs and one would fall below the 50% level.
- Serious declines in security have occurred over the past three decades. Because the new proposed standard for security would completely toss out hiding cover during the hunting season, it seems the most prudent choice would be to select the best possible travel plan alternative for big game security from which to implement the Blackfoot Travel Planning area and manage projects yet to come in the future. That would be Alternative 3.
- Prudence would require that applicable mitigation measures be non-discretionary.

The Draft ROD selects Alternative 4 even though the amended standard (Alternative B) was built on the foundation of Alternative 3 (MFWP communication, Wildlife Biologists Jenny Sika and Jay Kolbe). Alternative 3 would improve security in 6 of the EHUs. Alternative 4 only bring

half of the EHUs up to the 50% standard. Four EHUs would continue to range below the 50% standard at: 24%, 32%, 42% 48%. It is important to remember that 50% is a *minimum*.

6a. Suggested remedy: Select Travel Plan Alternative 3 with modifications and develop a comprehensive Eastside Forest process that applies proper scientific method and peer-reviewed scientific literature toward development of a big game security amendment that addresses the needs of bull elk security on public lands.

OBJECTION 7. The indirect and cumulative impacts of Amendment Alternative B have not been fully assessed in relation to other Forest Plan standards, or upon public lands not included in described “security areas.”

a. Indirect and cumulative effects of the proposed Amendment on other forest plan standards were not adequately evaluated.

Pursuant to the National Forest Management Act (“NFMA”), the Service must ensure that the proposed amendment (as well as the proposed Blackfoot Travel Plan) is consistent with the Helena Forest Plan. See 16 U.S.C. § 1604 (i). If not, then the responsible official must either change the proposed amendment to bring it into compliance with the other standards in the Forest Plan or amend to the other Forest Plan standards.

Except for standard 4a, compatibility statements for 44 Wildlife Standards (FEIS Table F-8 187-200) say: “**Alternative B is compatible with this standard.**” Data within the FEIS itself refutes this conclusion as noted in the Objection examples below.

In addition to the 44 wildlife standards referenced above, the conclusion is also made for all 34 lynx standards that, “**Alternative B is compatible with this standard**” (FEIS Table F-9). This seems hardly possible when cover requirements will be removed from the big game security standard.

As demonstrated in Objection Table 1, mathematical distortion makes it seem like there is an improvement in the measurement of “sensitivity to changes in open road configuration—pointing out where management is effective and where it needs to improve” but what Alt B does, is cut in half the amount of land that will be assessed for security.

b. Cumulative effects of the proposed Amendment have not been addressed on the public lands between the described security “areas.”

The amendment would have unintended forest fragmentation consequences by circumscribing new “security areas” on a map.

This security amendment was not scoped or commented upon earlier, so questions exist as to how its implementation would affect other wildlife and the zone of National Forest land exterior to the defined “security” polygons. We have significant concerns about the “sacrifice zone” nature of these lands in that there would be little guidance relative to density of roads that could occur and whether any forest cover retention would be required.

Not disclosed in the FEIS is how seasonal transitional zones (spring movement toward higher elevations and fall movement to winter ranges) will function as a result of a no-man’s-land

approach to the zone of National Forest land between the defined “security” polygons. How would these zones constrain, limit, and otherwise impact wildlife, including vulnerability?

The non-“security areas” become vast interconnected fragmented zones across the forest. Even the “security areas” are available for logging and other administrative uses (see definition in Attachments), and contain authorized roads and travel conduits in the form of unauthorized and “stored” roads.

Vegetative cover becomes particularly crucial in areas that are exterior to the “security” polygons: these areas are likely to become barriers to wildlife movement.

Circumscribed “security areas” do not allow for the possibility of non-included National Forest land to serve as security in the future. This sets a new norm for all time, and functionally reduces potential security at all times of the year.

- The proposed Amendment does not limit road density or forest cover removal anywhere; and, outside of the “security” polygons, no constraints are described. Analysis of how this will affect other wildlife standards has not been done.
 - There are no road density provisions in the area outside the polygons, nor are there any provisions to retain forest cover throughout the landscape.
 - In a previous project,¹² the HNF indicated that summer hiding cover and winter thermal cover would be reduced, so the HNF provided an exemption to compliance with Forest Plan Big Game Standards 3 and 4a.
 - The possibility of not meeting the Forest Plan summer hiding cover Standard 3 is not touched on in the Blackfoot big game amendment or in the FEIS.
 - The Hazardous Tree Removal project occurred across the HNF, including the Blackfoot, so we wonder what has changed that the standard for summer hiding cover is being met.
 - “The Proposed Action also includes a site-specific Forest Plan Amendment for wildlife standards 3 and 4a.”¹³
 - “Direct and Indirect Effects: Removal of hazard trees within the project area would reduce hiding cover on summer range and thermal cover on winter range (Helena Forest Plan Big Game standards #2 and #3). The reduction in hiding cover would also affect the hiding cover/open road density index (Helena Forest Plan Big Game standard #4a).”¹⁴
 - “I am amending the Forest Plan through a site-specific amendment for the Helena National Forest Land and Resource Management Plan to exempt this project from the Forest Plan big game standards 3 and 4a.”¹⁵
- Amendment B “security” polygons are fixed lines on a map, i.e. permanent and stationary. They arbitrarily limit where elk security may occur. The current Forest Plan Standard 4a allowed dynamic possibilities for elk security across ALL Forest Service lands.

¹² **Helena National Forest.** August 23, 2010. Forest-wide Hazardous Tree Removal and Fuels Reduction— Healthy Forests Restoration Act Project Decision Notice and Finding of No Significant Impact. 67 pp.

¹³ Ibid.

¹⁴ **Helena National Forest.** August 2010. Environmental Assessment. Forest-wide Hazardous Tree Removal and Fuels Reduction— Healthy Forests Restoration Act Project. 188 pp.

¹⁵ **Helena National Forest.** August 23, 2010 *Op. cit*

- Not only have the possibilities for security been severely diminished through the drawing of polygons, absolutely *no cover* is required in the proposed Amendment B.
- Bull elk vulnerability has not been assessed within these “secure” polygons that have no requirement for hiding cover during the hunting season
- Roads within the polygons would be open for administrative purposes during hunting season
- Administrative actions could occur in these “secure” polygons for administrative purposes during hunting season, and to all during other seasons of the year:

“Administrative use for travel on motorized routes is defined as vehicle use associated with management activities or projects on land administered by the Forest Service or under authorization of the Forest Service. Management activities include but are not limited to, law enforcement, timber harvest, reforestation, cultural treatments, prescribed fire, watershed restoration, wildlife and fish habitat improvement, private land access, allotment management activities, and mineral exploration and development that occur on land administered by the Forest Service or under authorization of the Forest Service.” (FEIS Appx F pg 170)
- It is not clear whether Amendment mitigation measures are non-discretionary such as:
 - limiting the percentage of a disturbed area (eg. timber harvest) within a polygon,
 - limiting the amount of forest removal that could occur within a polygon in any given period (allowing time for regeneration),
 - stipulating that no administrative activity occur in polygons under a certain size during hunting season,
 - stipulating activity be completed in a certain time frame,
 - stipulating that adjacent polygons have no activity within the same year,
 - stipulating that within the travel planning unit, no more than a certain percentage of the polygons can sustain activity within one year, and
 - compensatory removal of roads.

By focusing on elk alone, other big game species such as mule deer, white-tailed deer, moose, and bear – are being ignored. A big game standard designed for elk alone is insufficient – particularly for mule deer.

7a. Suggested remedy: Vegetative Cover

- Forest hiding cover must be acknowledged as important to big game security. Denuded forest lands across the entire travel Planning area (not only security polygons) must be encouraged to revegetate, and forest recovery plans on a drainage basis should be developed.
- Outside of the polygons, there should be constraints on road density and at least minimum retention of forest cover.

7b. Suggested remedy: Define maximum allowable road densities within watershed health criteria and minimum levels of forest cover to adequately screen wildlife movement during the fall to lower elevation habitats.

OBJECTION 8. Cumulative Forest Service actions have lead to a tipping point for big game security across much of the Helena National Forest.

Cumulative impacts are “the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 40 C.F.R. § 1508.7. Cumulative impacts can result from “individually minor but collectively significant actions taking place over a period of time.”

Helena Forest Plan IV/2 states,

“Within this guidance, projects are developed to most efficiently and effectively accomplish the management goals and objectives. All NEPA requirements will be complied with in all projects. This includes appropriate public participation in the development and the results of the analysis done on the projects.” (emphasis added)

Failure to address HNF actions, through honest cumulative effects analysis, has lead to the erroneous conclusion that big game standard 4(a) has been ineffective. The real problems are road proliferation and vegetative cover that has systematically been depleted largely through repeated “Finding of No Significant Impact” (FONSI), and other decisions on Forest lands. Cover-loss impacts have accumulated over the 28-year life of the Helena National Forest Plan – a blind eye has been turned to big game security by the HNFa long time.

The Forest Service now contends it cannot meet its own security standard. “Hiding cover has declined to levels that cannot be counterbalanced by any degree of road closures.”¹⁶

Cumulative Effects of HNF actions on Forest cover and road density and thus upon big game security

Collectively, the following represent only a fraction of activities that have occurred on the Lincoln Ranger District. Acreage of forest removal has been substantial. Implementation of these and the other projects, as well as Forest Plan amendments that have not been adequately analyzed in the full context of forest cover loss, demonstrates that the HNF simply has chosen not to abide by the forest plan standard for big game security. The Forest Service knew that these projects would severely affect hiding cover and thus compliance with the Forest Plan security standard 4a. But instead of addressing elk vulnerability, the FEIS erroneously shifts the emphasis to elk populations:

“All of the Forest Plan amendments described above with the exception of the Divide Travel Plan Amendment have been or would be site-specific in time and space. None of the past amendments has resulted in significant impacts to elk; nor should the proposed site-specific amendments significantly impact elk. Cumulatively, effects to elk hiding cover from this and other site-specific Forest Plan amendments should not compromise the Forest's ability to provide habitat potential to meet Forest Plan elk population goals.” (emphasis added)

In the context of amending the big game security standard, the FEIS lists but does not fully reveal the cumulative loss of hiding cover that is currently impacting security. The ROD appears

¹⁶ Moser, Janet S., Denise Pengeroth, Pat Shanley. March 4, 2014. Wildlife Specialist Report/Biological Evaluation for the Blackfoot Non-winter Travel Plan. Helena National Forest, Lincoln Ranger District, Lincoln, MT. 207 pp.

to be a post hoc justification for a decision that was made, not on the basis of the relevant analytical factors, but rather on the basis of convenience.

Where is the analysis across the Blackfoot that describes what portion of the forest is currently denuded? A discussion of the Blackfoot's habitat potential is not addressed as it has been on other forests:¹⁷

“The Bighorn National Forest analysis found that forested cover had been reduced to 24% of its biological potential since pre-forest plan levels of the 1960s.”

Just some of those previously authorized projects whose cumulative forest removal has not been disclosed include:

- Timber sales
 - Poorman 1998 decision resulted “in 7,400 project acres [being] treated through slashing, logging, and/or prescribed burning” (FS correspondence 1910/1950/7710 July 16, 2013 letter to “Interested Public”). In addition, 3,456 acres remain to be treated with 4 of the 7 units falling entirely or partially within the Crater Mountain Inventoried Roadless Area
 - Dalton Mountain Project in 2016: 18,420 acres with 10,670 acres in Blackfoot and 7,750 acres in Nevada Creek
 - Stonewall Creek in 2012 - 24,006 acres. About 4,838 acres of hiding cover would be removed in the Beaver Creek - Lincoln EHU and 2,112 acres of hiding cover in the Keep Cool EHU
 - All timber sales prior to 2010 are lumped, with no information provided in the Cumulative Effects table of the FEIS (Appendix D 137). The 24-year period since the Forest Plan was adopted (1986 to 2009) are not considered, thus substantial amounts of crucial information are woefully lacking in the analysis of cumulative effects and subsequent consequences to big game security.
 - Timber sale projects such as Dalton, Lone Point, Keep Cool, Poorman and others have not been evaluated regarding the state of forest regeneration to help reinstate hiding cover. A cover analysis as per Forest Plan Standard 2 should have been done.
- Roadless Areas
 - A FONSI to treat roads to access the above Poorman project as well as eleven Inventoried Roadless Areas (IRAs) across the forest, was signed by the HNF Supervisor Riordan on August 23, 2010:¹⁸
 - Nevada Mountain (# 1606) 8.08 miles
 - Anaconda Hill (# 1602) 0.29 miles

¹⁷ **Jellison, B.A.** 1998. Rocky Mountain Elk vulnerability within the Bighorn National Forest. Rocky Mountain Elk Foundation (WY96107), Bow Hunters of Wyoming and Wyoming Game and Fish Department. *In* A ROCKY MOUNTAIN ELK HABITAT CONSERVATION PLAN FOR THE WGFD SHERIDAN REGION (And Portions of the Cody Region) Wyoming Game and Fish Department Sheridan Region Updated May 2004. 62pp.

¹⁸ **Helena National Forest.** August 23, 2010. *Op. cit.*

- Ogden Mountain (# 1605) 0.108 miles
 - Crater Mountain (# 1604) 3.08 miles
 - Specimen Creek (# 1603) 1.18 miles
- HFRA Hazard Tree Project
 - 72.2 miles of road and 53 different road segments were targeted for treatment in the August 23, 2010 HFRA decision.
 - IRAs constitute extremely important big game security areas – but the functionality of these areas for security were or will be reduced as a result of the Hazard Tree decision, even though HHAA submitted comments¹⁹ and filed an Objection²⁰ asking that this action not proceed until HNF Forest Travel Planning for the Blackfoot and Divide was completed. The HNF denied our Objection.
 - The Hazard Tree decision was supposed to be based on Wildland Urban Interface (WUI) maps, and roads within those areas were to have received “treatment”. However only 110.2 miles of road occurred in the WUI, and 380.8 miles of road did not. Nevertheless, all 491 miles of road were rubber stamped for “treatment” which involved tree removal along the road extending out 125’-150’, and grading and gravelling the surface in many cases. Many dead-end spur roads and road that were closing themselves due to lack of use and vegetation encroachment, were allowed to be reopened – all affecting, or potentially affecting, Forest Plan big game standards 1, 3, 4 (a, b, c, g, h), and 5.
 - That action allowed treatment (removal of dead and live timber and possible surface improvement) of more than 491 miles of road and created 9,415 acres of disturbance (Hazard Tree EA pg 23) across the HNF – substantially impacting big game summer range hiding cover, fall security, winter thermal cover, and other wildlife requirements.
 - Forest Plan Amendments

Cumulative effects of previous Forest Plan Amendments upon big game security should be fully analyzed to describe the total net reduction in cover across the landscape today compared to the cover that could have been there.

- Hazard Tree project amendments to exempt project from FP Standard 3 and 4a
-

Forest Plan Amendment No. 18

Site Specific Amendment for the Poorman Project

Decision: It is my decision to amend the Forest Plan for the Poorman Project. This amendment changes 68 acres of M-1 lands to "T" management area allocations. Thirty-nine acres are changed to T-1, 20 acres are changed to T-2 and 9 acres are changed to T-3. The changes in management areas are shown on the amendment map on the following page.

¹⁹ Helena Hunters and Anglers Association. September 24, 2010. Hazardous Tree Project Summary of Roads to be Treated.

²⁰ Helena Hunters and Anglers Association. April 23, 2010. Objection to Forest-Wide Hazardous Tree Removal and Fuels Reduction Project on the Helena National Forest (Includes Helena Forest Plan Amendment to Forest Plan Standards 3 and 4a

- Incremental losses that are dismissed as irrelevant even though the EHUs are already below standard. Examples such as the one below are common:
 - ◇ Alternative 4: “The total acres of hiding cover that would be affected is sufficiently small that the percent hiding cover for each of the eight herd units would remain unchanged.” (FEIS S-15) (emphasis added)
- 300’ Rule
 - The 300’ rule is present in all 4 alternatives. In at least one alternative this provision should have been absent.
 - “Motorized use within 300-feet of open motorized routes is an action that potentially affects all wildlife species and/or their habitat.”²¹
 - The 300’ rule was to have been used judiciously in areas of dispersed camping. It was not to have been applied in a blanket fashion across the Forest.
 - The draft ROD (pg 17) states that parking vehicles within 300 feet of a designated road or motorized trail will continue to be allowed. Parking next to the road means a person could picnic, camp, bicycle, hike, or do any other legal recreational activity. (FEIS 23) In addition, wheeled motorized vehicle travel for dispersed camping or parking associated with dispersed camping will be allowed within 300 feet of designated system routes, including roads and trails (unless signed otherwise or specifically closed) as long as:
 - No new permanent routes are created by this activity,
 - No damage to existing vegetation, soil, or water resources occurs,
 - Travel off-route does not cross streams, and
 - Travel off-route does not traverse riparian or wet areas.

However, inadequate maintenance and enforcement budgets, as noted earlier, are inadequate to address the current road system, let alone expanded motorized use in a 600’ swath along all roads.

- Allowing vehicle travel for dispersed camping for up to 300 feet from a designated travel route will affect a large amount of land thus pushing back security areas from roads, even farther.
 - 300 feet on either side of a road equates to 600 feet of potential vehicle use. Multiplying this figure (600 feet) times the number of motorized roads and trails in the proposed Alternative 4 (352 miles, or 1,858,560 feet) totals 43,560 acres or 40 square miles of land area that could be negatively affected by off-route motorized use. Potentially, up to 11.4 percent of every square mile of forest land containing a motorized route of one mile in length would be opened to off-route motorized travel for dispersed camping purposes.

²¹ Moser et al. (Ibid.)

- This is a significant action for which resource impacts have not been specifically evaluated within the FEIS or considered as part of the alternatives evaluation.
- The Lincoln Ranger District has acknowledged that enforcement of travel plans is difficult and that they do not have the resources to monitor for illegal travel activities (Amber Kamps, April 1, 2014 in comments to HHAA). Therefore, this decision alone, to allow a 600' swath of motorized use along roadways will certainly have a significant impact on big game security, hiding cover, vegetation, soil, water resources, and riparian areas. The FEIS does not state how site-specific problems will be addressed once they are discovered. This is an insurmountable problem because road maintenance resources are already woefully lacking.²²

The HNF itself has severely violated its own Forest Plan Standards and will continue to do so unless non-discretionary Forest Plan Standards and mitigation measures designed to bring the site back into compliance with each standard, are implemented and enforced.

8a. Suggested remedy: Develop a complete list of activities since inception of the Forest Plan for accurate cumulative effects analysis.

8b. Suggested remedy: Acknowledge that FONSI's, RODs, and other decisions have ignored consequences to big game security and hiding cover.

8c. Suggested remedy: Recognize that hiding cover must be used to define big game security on public lands.

8d. Suggested remedy: Conduct a cover analysis as per Forest Plan Standard 2 with respect to security Alternative B

8e. Suggested remedy: Conduct a cover analysis as per Forest Plan Standard 2 with respect to lands occurring between "security" polygons.

8f. Suggested remedy: Attain consistency with the OHV EIS 300' option, by allowing parking for dispersed camping purposes only within 30 feet of a designated system travel route. This rule would not prohibit camping greater distances from roads but would require vehicle parking closer to established roads, thus reducing resource impacts associated with cross-country travel and preventing establishment of numerous new spur roads to dispersed campsites.

OBJECTION 9. The FEIS continues to misuse the State of Montana's Elk Plan in its use of population data rather than bull elk survival to reflect elk security.

Bull survival is the measure of elk security. Population size is theoretically controlled by management use of antlerless permits/licenses. However, disturbance and removal of security on

²² **Roads Analysis Report – 2002-2004.** Helena National Forest. 112 pp. "Road maintenance funding is not adequate to maintain and sign roads to standard. For the last three years the Forest road budget has averaged about \$650,000 a year. The estimated costs to bring the forest's classified roads up to their objective maintenance level standard is about \$27.6 million and then it would cost about \$2.1 million annually to maintain it there."

public lands, and resulting displacement of elk to unhunted private land prevents management through hunting, and often leads to escalation of herd numbers.

Antlerless elk displacement to unhunted private lands is a consequence of reduced public land security that results in game damage complaints by private land owners. Bull elk on insecure public lands are often killed by the end of the first week of the general season. In both cases, retention of elk on public lands through good security would resolve both problems.

MFWP explains that bull survival objectives are not meeting Elk Plan objectives:

“The bull-to-cow ratio has been either right at or below the minimum objective of 10:100 during the same period (6 of 12 years; bull-to-cow ratios are unavailable for 3 of the 15 years). Thus, the existing levels of big game security have not been yielding bull-to-cow ratios within FWP objectives in all years as stated in the DEIS, and improvements to habitat security may also improve bull survival in this HD.”²³

FWP/HNF collaborative working group²⁴ notes:

- that there are “instances where forest cover was important for holding elk on public land even when security (due to route density) was lacking.”
- “Regenerated cover stands which are about elk height (4.5’) high and $\geq 40\%$ canopy cover can function as hiding cover, and
- “Forested stands impacted by disturbance such as fire or insects and disease that had $\geq 40\%$ green canopy cover, but which currently have a high proportion of standing dead, may still function as hiding cover.”

The logic behind the Blackfoot security amendment is taken from Custer, Gallatin, Helena, and Lewis and Clark National Forests - Framework for Project-Level Effects Analysis on Elk²⁵ and states;

“Elk habitat selection during the hunting season in Montana did not show a significant selection for security areas comprised of total conifer cover relative to security areas just defined by size and distance from a road.”

This FS document bases its conclusions upon a modified security amendment described in Proffitt et al.²⁶ Proffitt et al. describes the dilemma of private land refugia that prevent hunter harvest of female elk and thus make population control difficult. The Proffitt paper bases its research on female elk response to the hunting season and notes that female and male elk have different behavioral strategies. Proffitt et al. clearly states that the male component of the elk population had not been studied and that male elk rely on the traditional (literature based) definition of security habitat (forested cover and regulated road density). Proffitt et al. states (pg 19):

²³ MFWP comment on Blackfoot Travel Plan, Programmatic Plan Amendment, April 22, 2013

²⁴ MFWP and USDA Forest Service. September 2013. U.S Forest Service and Montana Department of Fish Wildlife and Parks Collaborative Overview and Recommendations for Elk Habitat Management on the Custer, Gallatin, Helena, and Lewis and Clark National Forests. Unpublished paper on file at: U.S. Department of Agriculture, Forest Service, Gallatin National Forest Supervisor’s Office, Bozeman, MT, 36 pp.

²⁵ Canfield J., D. Pengeroth, E. Tomasik, J. Dibenedetto, S. Taylor, C. Everett, S. Christiansen, P. Gardner, M. Slacks, R. Strathy, D. Thornburgh, L. Conway. 2013. Custer, Gallatin, Helena, and Lewis and Clark National Forests - Framework for Project-Level Effects Analysis on Elk. October 25, 2013. United States Department of Agriculture, Forest Service. 22pp.

²⁶ Proffitt, K.M., et al. 2013. Ibid.

“The traditional concept of elk security habitat is aimed at providing adequate adult male elk survival while not limiting elk hunter opportunity (e.g., Leptich and Zager 1991). Given different behavioral patterns of male and female elk, male elk may utilize security habitat to a greater degree than reported here for adult female elk. Previous studies indicate that during the autumn, male elk use mature, semi-closed, forested areas more than females and selected for areas of lower road densities than females (McCorquodale 2003). Therefore, we may expect male elk to show a stronger preference for security habitat than we observed in female elk. The security habitat concept may therefore still apply to the issue for which it was developed.”

Bull elk vulnerability on public lands is a continuing problem that cannot be resolved with the strategy employed by Canfield et al.²⁷ because it is based on the Proffitt et al.²⁸ model – the objective of which is to increase harvest on the female component of the elk population when they are able to find refuge on unhunted private lands.

Security amendment Alternative B is based on the Proffitt model, which is not designed to improve bull survival on public lands. In fact, Alternative B would violate the tenets of the Proffitt model in that roads within the “security” polygons would remain open to all manner of “administrative use”:

“Administrative use for travel on motorized routes is defined as vehicle use associated with management activities or projects on land administered by the Forest Service or under authorization of the Forest Service. Management activities include but are not limited to, law enforcement, timber harvest, reforestation, cultural treatments, prescribed fire, watershed restoration, wildlife and fish habitat improvement, private land access, allotment management activities, and mineral exploration and development that occur on land administered by the Forest Service or under authorization of the Forest Service.” (FEIS Appx F pg 170)

It appears that the effort to shift the definition of security away from bull elk and onto antlerless elk is a way to take pressure off the FS to retain forested hiding cover.

Clearly, security amendment Alternative B is not designed to improve bull elk retention on public lands.

9a. Suggested remedy: Do not base a security amendment intended to retain bull elk on public lands, on a process that was designed to address antlerless elk harvest on private lands

9b. Suggested remedy: The Forest Plan standard for big game security should define a method to bring the forest into compliance with the existing security standard 4a over time, using a scheduled, modified approach that has restoration goals for forest plan cover and road densities.

OBJECTION 10. Big game security amendment Alternative B for the Blackfoot jeopardizes Montana’s 5-week general hunting season for the Blackfoot.

²⁷ Canfield et al. *Op. cit.*

²⁸ Proffitt et al. *Op. cit.*

Momentum is building from land managers toward shortening or otherwise modifying Montana's 5-week general elk season. Such a move would conveniently relax management of public lands big game habitat:

“Where the agreed upon management objective is to allow a desired number of bull elk to escape harvest, options include: shortening the hunting season, increasing restrictions on hunters, or providing security areas for elk through access restrictions.”²⁹

The Collaborative Overview and Recommendations for Elk Habitat Management on the Custer, Gallatin, Helena, and Lewis and Clark National Forests³⁰ notes:

“The agency participants recognized that given high enough levels of hunter numbers and hunting pressure, security areas may not be effective, resulting in elk being displaced to other areas including private land (Vales et al. 1991; Lyon and Christensen 2002). It may be determined through the course of discussions between the two agencies that non-habitat related management actions outside of USFS control (such as a hunting season related change) may be necessary to address elk distribution and displacement issues, if habitat management actions alone are insufficient, with the recognition that any hunting season related change would have to go through MDFWP's public Commission process. Given that both land use (i.e. travel plans) and hunting seasons can represent significant public values and expectations, it is recognized that changes to either can be procedurally difficult and contentious. It is also recognized that each has its own process and that elk distribution issues need to be responsibly addressed by both. Working together, both agencies would need to assess the relative management gains represented by different FS and MDFWP management options and not unilaterally rely upon the other's actions or dismiss the potential for making changes that would increase the potential to maintain elk on NFS lands.”

It is worth noting that HNF has simply dismissed hiding cover as a component of elk security, thus driving the process further toward reducing or modifying hunting seasons on east-side forests, as noted by the title of the group: *U.S Forest Service and Montana Department of Fish Wildlife and Parks Collaborative Overview and Recommendations for Elk Habitat Management on the Custer, Gallatin, Helena, and Lewis and Clark National Forests*.

One Wyoming researcher,³¹ in evaluating open landscapes typical of east-side Montana forests, states:

“Rather than imposing more restrictions on hunters (shorter hunting seasons, antler restrictions, limited licenses and technology limitations), one alternative is to maintain habitat security levels that allow desired numbers of bull elk to escape harvest...”

Hunter opportunity on the Bighorn National Forest has plummeted as a result of “accelerated timber harvesting... [that] sent former elk hiding cover to the sawmills and logging roads permeating previously secluded areas”³²

²⁹ Lyon, L. Jack. Management Strategies to address elk vulnerability to mortality, travel management impacts, and security needs. Appendix E. Payette National Forest.

³⁰ Canfield et al. *Op. cit.*

³¹ Jellison. *Op. cit.*

³² Jellison. *Op. cit.*

As a result, in the 1990s,

“approximately one-third the number of hunters were found as in the 1970s and 1980s. The loss of hunting opportunity not only affects hunters; it also means a loss of hunting license revenues for Wyoming’s wildlife management programs and a loss of income to the state’s economy.”³³

A Security Standard that does not incorporate vegetative hiding COVER during the hunting season – for any big game species, is unacceptable and does not meet best available science criteria.

Such a change would:

- severely and effectively reduce security for some elk herd units to far less than 30% as required by Lyon et al. 1985³⁴ or Hillis et al.;³⁵
- encourage displacement of elk from public forest service land to private lands contributing to complaints of game depredation;
- severely reduce hunter opportunity on public lands because elk without adequate security will be displaced to private land refugia;
- continue to stress the bull component of the population. The HNF claims that bull ratios are being met, but they fail to acknowledge that stated bull ratios in the MFWP Elk Plan are absolute minimums. Minimum bull ratios are only sporadically being met and, 10 bulls:100 cows is a very low but minimum number of bulls in a population. Lack of fall hunting season habitat security is the reason;
- such consequences have been occurring due to lack of security over the years, and have contributed to growing total elk numbers, but declines in bull/buck survival – which is the standard for measuring security, and the drivers of Montana’s hunting season;
- restoration plans for EHUs that do not meet the new standard should be developed to bring these EHUS up to the 50% minimum standard with three years. (Three years is not even a life-time for a bull elk trying to live on a landscape without adequate security. Most bull elk are killed by 2 years of age where vulnerability is high).

10a. Suggested remedy: To assure bull elk survival on public lands, forested cover must be a component of any big game security standard.

10b. Suggested remedy: Restoration plans for EHUs that do not meet the new standard should be developed to bring these EHUS up to the 50% minimum standard of three years. (Three years is not even a life-time for a bull elk trying to live on a landscape without adequate security. Most bull elk are killed by 2 years of age where vulnerability is high.)

³³ **Jellison.** *Op. cit.*

³⁴ **Lyon et al.** 1985. *Op. cit.*

³⁵ **Hillis, J.M., M.J. Thompson, J.E. Canfield, L.J. Lyon, C.L. Marcum, P.M. Dolan, D.W. Cleery.** 1991. Defining elk security: The Hillis Paradigm. in Elk Vulnerability - A Symposium. Montana State Univ., Bozeman, April 10-12, 1991.

OBJECTION 11. The HNF would inappropriately apply Forest Plan security amendment Alternative B to a limited area of the Forest (Blackfoot), so that it would have a different standard than the rest of the Forest.

The Blackfoot occurs west of the Continental Divide and has more cover than the rest of the forest, so why is an amended security standard necessary here when it was not required for the North Belts Travel Plan, the South Belts Travel Plan, the Elkhorn Mountains Travel Plan, and the Clancy-Unionville Travel Plan?

The following issue was raised previously by HHAA and CUCTF but was not addressed in the FEIS:

“The Blackfoot Travel Plan area does not seem unique with respect to big game security on the Helena National Forest. The same issue with proliferation of motorized routes, thinner forests, past management that has compromised big game security – is found Forest-wide. It is inappropriate to propose such an amendment only to a portion of the Forest when similar conditions are present throughout. The Helena Forest Plan was developed for the entire Forest. While there are reasons for geographically specific direction such as unique soils conditions or special designations, we find proposing an amendment specific to a Travel Plan area unjustified. This is also a burden to public groups wishing to participate, especially in light of the fact that the same big game amendment process has been included for the Divide Travel Plan.”

“Other East-side Forests have similar big game security issues. Therefore we request that this big game amendment process be abandoned in favor of a comprehensive Eastside Forest process that is more comprehensive and applies proper scientific method and peer-reviewed scientific literature.”

11a. Suggested remedy: Develop a comprehensive Eastside Forest process that applies proper scientific method and peer-reviewed scientific literature to development of a big game security amendment that addresses the needs of bull elk security on public lands.

OBJECTION 12. Blackfoot is inappropriately setting a standard for security areas that are limited to defined areas of the National Forest and do not require forest cover as a component.

Blackfoot sets a dangerous precedent for Forest Plan Standards for big game security for all Eastside Forests within Region 1 – the next area in line is the Divide landscape on the Helena Forest. Similar to the Blackfoot amendment, the Divide big game security amendment proposes to dispense with all vegetative cover and because no large tracts of “security” are available on the Divide landscape, the minimum proposed acreage for “security” areas (also drawn on a map as polygons) would be 250 acres. A precedent is being set that is simply untenable on the Divide Landscape.

According to the DEIS (491, Op. cit.):

”Under the Forest Plan amendment proposed for the Blackfoot Travel Plan—and applicable to future projects in the Travel Plan Area—the “security area” approach replaces the “road density/hiding cover index” as the Forest Plan standard for gauging the vulnerability of elk to hunting” and is derived “from Recommendations for Big Game Habitat Management on the Custer, Gallatin, Helena, and Lewis and Clark National Forests.”

It must be noted that the Lincoln Ranger District (Blackfoot landscape), is the ONLY district that occurs WEST of the Continental Divide in any Eastside Region 1 Forest – yet Blackfoot is setting the standard for Eastside Forests. This is a case of apples setting a standard for oranges.

To grasp the implications of the Blackfoot Amendment, it must be compared with the recently released Divide Amendment and Travel Plan restrictions:

- Blackfoot Big Game minimum security polygon is 1,000 acres
- Divide Big Game minimum security polygon is 250 acres (there are few large intact areas present in the heavily roaded, fragmented Divide landscape)
- Blackfoot, under existing conditions has 13 secure areas of more than 1,000 acres each
- Divide under existing conditions has 17 much smaller patches of security down to as small as 250 acres. Especially in Divide, even smaller areas of vegetative cover become crucial for survival of the male component of big game species.
- Blackfoot Travel Plan decision will allow road decommissioning
- Divide Travel Plan decision will NOT allow road decommissioning

12a. Suggested remedy: Develop a comprehensive Eastside Forest process that applies proper scientific method and peer-reviewed scientific literature to development of a big game security amendment that addresses the needs of bull elk security on public lands.

12b. Suggested remedy: Do not identify specific “security areas” across the forest. Security across the HNF must be dynamic so that security can exist over time and space in different areas of the forest as conditions change on the ground, and yet be managed above minimum standards.

12c. Suggested remedy: Big game “security areas” under amendment alternative B could be used as a temporary interim measure while bringing the forest back into compliance with Standard 4a. Existing standard 4a allows security to be fluid across the landscape rather than permanently fix sites that define where big game can seek security during hunting season. No longer would elk security be dynamic and have the potential to occur anywhere on the forest as conditions change, thus reducing potential fall use areas on the HNF by 45% [Total acres described in all EHUs as “security areas” on the Blackfoot HNF, divided by Total acres with EHUs within the Blackfoot HNF Administrative Boundary]

OBJECTION 13. Inadequate and unfunded maintenance, monitoring and enforcement of roads/trails and motorized travel, as allowed under the Blackfoot Travel Plan, virtually assures that any standard for big game security will not function properly.

Ranger Kamps stressed at the April 1, 2014 meeting of HHAA, that funding was extremely limited and therefore implementation of the travel plan, as well as its monitoring and enforcement would occur only as funds and capacity allowed.

A road system that can be managed within the Helena National Forest's budget will help the HNF meet Forest Plan objectives. As noted by Trout Unlimited and partners³⁶:

“There is currently a \$558 million cumulative road maintenance backlog on 32,000 miles of NFS roads within Montana. The annual maintenance backlog is \$36 million, with roads receiving only 29.2% of the maintenance budget needed to keep them safe and usable. The current national NFS road maintenance backlog is \$8.4 billion.”

A forest plan amendment should not be implemented simply because the HNF continues to develop roads and forest projects beyond their capacity to meet budgets, Forest Plan objectives, and maintain infrastructure.

FEIS Appx F 186 refers to “Chapter IV part D for Monitoring and Evaluation for specific monitoring requirements.”

However, there is no “Chapter IV Part D” within the FEIS, so we presume this reference is to the Monitoring Section of the HNF Forest Plan.

HNF Forest Plan IV/3:

“Monitoring and evaluation comprises the management control system for the Forest Plan. It will provide the decision maker and the public, information on the progress and results of implementing the Forest Plan.”

In that chapter of the Forest Plan, there is no meaningful reference explaining how big game security Amendment Alternative B will be monitored.

Not at all clear is the Helena National Forest's ability or willingness to conduct monitoring and evaluation of big game security.

As demonstrated in Objection Table 1, mathematical distortion makes it seem like there is an improvement in the “*metric that is sensitive to changes in open road configuration—pointing out where management is effective and where it needs to improve.*” (FEIS 12) In selecting Alternative 4, the HNF is less responsive to the “metric” than if Alternative 3 were selected. Therefore, achieving and monitoring Forest Plan amendment standard Alternative B is being compromised at the starting gate.

13a. Suggested remedy: Tailor the Helena Forest road system to fit within its road budget.

13b. Suggested remedy: Reduce actions on the Helena National Forest to fit within its budget for Forest Plan monitoring and compliance.

³⁶ **Trout Unlimited, Theodore Roosevelt Conservation Partnership, and Montana Wildlife Federation.** The Importance of the Roadless Backcountry For Big-Game Hunting Opportunity And Success On Montana Public Lands: What The Science Tells Us. 2p.

13 c. Suggested remedy: To meet the objectives of the security Amendment Alternative B, select travel plan Alternative 3.

In summary, NEPA (40 CFR 1500-1508) requires: (1) considering a broad range of reasonable alternatives; (2) disclosing cumulative effects; (3) using best scientific information; (4) consideration of long-term and short-term effects; and (5) disclosure of unavoidable adverse effects.

As compared to the existing condition, Amendment Alternative B certainly does not constitute a “broad range of reasonable alternatives,” nor does it reflect “using best scientific information.” The analysis of Alternative B does not accurately “disclose cumulative effects” specifically the thousands and thousands of acres that no longer have forested cover as a result of HNF projects, “consider long-term and short-term effects” such as permanently affixing security areas to specific polygons, or “unavoidable adverse effects” such as increased landscape fragmentation as a result of permanently fixed security areas.

Additional Suggested Remedies to Objections – Roads

- Across the Travel Planning Unit, open road miles should be minimized to meet Forest Plan standards and subpart A of the *Travel Management Rule*. If a new road is constructed, a road of similar length should be removed.
- Closed roads should be decommissioned, recontoured, and/or revegetating. (Ever increasing numbers of closed roads are conduits for travel for mountain bikers, hikers, snowmobilers, illegal motorized users – all of which reduce fall security and other wildlife seasonal needs).
- Decommissioning and revegetation must be available as restoration tools for an ever growing inventory of closed roads/routes, throughout the HNF.
- Post signs on the ground once a decision is made in order to clarify changes to the transportation system.³⁷
- Remove 300’ rule from Alternative 3, or apply at 30’ at dispersed camp sites only

The desired outcome for Helena Hunters and Anglers Association and Clancy-Unionville Citizens’ Task Force would be:

- selection of Travel Plan Alternative 3 with modifications as described above, and
- development of a comprehensive Eastside Forest process that applies proper scientific method and peer-reviewed scientific literature to development of a big game security amendment that addresses the needs of bull elk security on public lands.

³⁷ Moser, et al. *Op. cit.*.

MISTAKES or Clarity of Issues IN THE FEIS

FEIS-555 The term “Elk Herd Unit” is not defined in the Glossary. The method by which the HNF defines an Elk Herd Unit or the method used by MFWP is not defined. The term Elk Herd Unit or EHU is referenced at least 252 times in the Blackfoot FEIS documents.

FEIS-341 Table 76 Title says flammulated owls, the text talks about marten

FEIS-348 Hiding cover: “The Standard requires 50 percent hiding cover be maintained per elk herd unit. Whereas FP Standard 3 says, “...elk summer range will be maintained at 35 percent or greater hiding cover ... or greater in drainages or elk herd units.”

FEIS-354 Table 82 Total acres inaccurate (typo)

FEIS-35 and DEIS-492: Why has security increased within the past year (from the DEIS) in two EHUs, particularly if the FS contends that they cannot meet security standard 4a since security is decreasing?

FEIS Table 82: Third column under each alternative should include the word “... in security...” in the title, which currently reads: “% of EHU (within boundary)” - this is misleading and confusing.

ATTACHMENTS (Citations not included in Blackfoot documents are in electronic format on enclosed CD)

Ciuti, Simone, Tyler B. Muhly, Dale G. Paton, Allan D. McDevitt, Marco Musiani and Mark S. Boyce. 2012. Human selection of elk behavioural traits in a landscape of fear. *Proc. R. Soc. B* (2012)279, 4407–4416

Helena National Forest. August 23, 2010. Forest-wide Hazardous Tree Removal and Fuels Reduction—Healthy Forests Restoration Act Project Decision Notice and Finding of No Significant Impact. 67 pp.

Helena National Forest. August 2010. Environmental Assessment. Forest-wide Hazardous Tree Removal and Fuels Reduction—Healthy Forests Restoration Act Project. 188 pp.

Helena Hunters and Anglers Association. April 23, 2010. Objection to Forest-Wide Hazardous Tree Removal and Fuels Reduction Project on the Helena National Forest (Includes Helena Forest Plan Amendment to Forest Plan Standards 3 and 4a.

Helena Hunters and Anglers Association, September 24, 2010. Hazardous Tree Project Summary of Roads to be Treated.

Lyon, L. Jack. Management Strategies to address elk vulnerability to mortality, travel management impacts, and security needs. Appendix E. Payette National Forest.

Trout Unlimited, Theodore Roosevelt Conservation Partnership, and Montana Wildlife Federation. The Importance of the Roadless Backcountry For Big-Game Hunting Opportunity And Success On Montana Public Lands: What The Science Tells Us. 2p.